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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-seventh session

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities will be held at the United Nations Office at Geneva from 31 July to 25 August 1995. The first meeting will be convened at 10.30 a.m. on Monday, 31 July 1995.

Provisional agenda

2. The provisional agenda, prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, is reproduced below.

Pre-sessional working groups

3. In accordance with previous decisions, the forty-seventh session of the Sub-Commission will be preceded by meetings of four working groups as follows:

(a) Working Group on Communications, established pursuant to paragraph 1 of Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970. This Working Group of five members of the Sub-Commission will meet for two weeks prior to the forty-seventh session, from 17 to 28 July 1995;

(b) Working Group on Contemporary Forms of Slavery, established pursuant to Economic and Social Council decision 16 (LVI) of 17 May 1974. In accordance with the arrangements endorsed by the Commission on Human Rights in its resolution 1993/27 of 5 March 1993, this Working Group of five members of the Sub-Commission met for eight working days prior to the forty-seventh session of the Sub-Commission, from 25 April to 4 May 1994;

(c) Working Group on Indigenous Populations, established pursuant to Economic and Social Council resolution 1982/34 of 7 May 1982. This Working Group of five members of the Sub-Commission will meet for one week prior to the forty-seventh session of the Sub-Commission, from 24 to 28 July 1995;

(d) Working Group on Minorities. In its resolution 1995/24 of 3 March 1995, the Commission on Human Rights, noting Sub-Commission resolution 1994/4 of 19 August 1994, decided to authorize the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities. By its decision 1994/115 of 24 August 1994, the Sub-Commission decided that on condition that the Commission on Human Rights and the Economic and Social Council authorized the establishment of the working group and provide for its budget for 1995, the working group would meet for five working days immediately prior to the forty-seventh session of the Sub-Commission in 1995. By the same decision the Sub-Commission approved the following composition of the pre-sessional working group of the Sub-Commission: Mr. José Bengoa (Latin America), Mr. Asbjørn Eide (Western Europe), Mr. Ahmed Khalil (Africa), Mr. Tofazzal H. Khan (Asia) and Mr. Stanislav V. Chernichenko (Eastern Europe). Subject to the approval of the Economic and Social Council, the Working Group is scheduled to meet from 24 to 28 July 1995.

In-session working groups

4. Since its thirty-fourth session in 1981, the Sub-Commission has established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104 of 2 August 1994, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention.

5. By its decision 1994/105 of 2 August 1994, the Sub-Commission decided to establish a sessional working group on methods of work of the Sub-Commission.

6. The Sub-Commission may wish to consider establishing such sessional working groups at its forty-seventh session.

7. The annotations to the items listed in the provisional agenda will be issued as an addendum to the present document.

Provisional agenda

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

   (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

   (b) Monitoring the transition to democracy in South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights:

   (a) The role and equal participation of women in development.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

   (a) Question of human rights and states of emergency;

   (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

   (c) Application of international standards concerning the human rights of detained juveniles;

   (d) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers;

   (e) Question of the impunity of perpetrators of violations of human rights.

11. The implementation of the human rights of women.

12. Human rights and scientific and technological developments.

13. Elimination of all forms of intolerance and discrimination based on religion or belief.

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

15. Discrimination against indigenous peoples.

16. Contemporary forms of slavery.

17. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Prevention of discrimination and protection of children: human rights and youth;

    (b) Human rights and disability.

18. Protection of minorities.

19. Freedom of movement:

    (a) Situation of migrant workers and members of their families;

    (b) Population displacements.

20. Implications of humanitarian activities for the enjoyment of human rights.

21. Comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

22. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-eighth session of the Sub-Commission.

23. Adoption of the report of the forty-seventh session.

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COMMISSION ON HUMAN RIGHTS
Subcommission on Prevention
of Discrimination and
Protection of Minorities
Forty-seventh session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General*

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Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Subcommission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Subcommission is contained in document E/CN.4/Sub.2/1995/1.

3. At its forty-sixth session, the Subcommission, by its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world at its forty-sixth session, as well as at the commencement of its future annual sessions.

4. Since 1985, the Subcommission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1).

5. As a result of those decisions, the Subcommission considered the following items on a biennial basis:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Encouragement of universal acceptance of human rights instruments.

6. By its decision 1988/104, the Subcommission decided to consider, after its forty-first session in 1989, the item entitled "Review of the work of the Subcommission" on a biennial basis.

7. By its resolution 1993/22, the Subcommission decided to remain seized of the question of the human rights of disabled persons and to deal with it each year as a sub-item of the agenda item entitled "Promotion, protection and restoration of human rights at national, regional and international levels".

8. By its resolution 1994/31, the Subcommission decided to discontinue consideration of the question of encouragement of universal acceptance of human rights instruments under a separate agenda item.

Organization of work

9. With regard to the question of the organization of work of the present session, the Subcommission may recall that paragraph 2 of rule 24 of the rules of procedure of the Economic and Social Council provides that, except for the regional commissions, the commissions and committees of the Council shall not create either standing or ad hoc inter-sessional subsidiary bodies without prior approval of the Council.

10. Four working groups were scheduled to meet prior to or immediately after the forty-seventh session of the Subcommission: the Working Group on Communications (see annotations to item 9), the Working Group on Indigenous Populations (see annotations to item 15), the Working Group on Contemporary Forms of Slavery (see annotations to item 16) and the Working Group on Minorities (see annotations to item 18). The Working Group on Contemporary Forms of Slavery met from 19 to 28 April 1995. The Working Group on Communications is scheduled to meet from 17 to 28 July 1995, the Working Group on Indigenous Populations from 24 to 28 July 1995 and the Working Group on Minorities from 28 August to 1 September 1995.

11. At its thirty-fourth and subsequent sessions, the Subcommission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104, the Subcommission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention. The Subcommission may wish to consider establishing such a sessional working group at the present session.

12. When considering the organization of its work, the Subcommission may wish to refer to the annex to its resolution 1992/8 containing the guidelines concerning its methods of work, in particular to guidelines Nos. 13 (Schedule of meetings), 14 (Order of statements), 15 (List of speakers) and 16 (Speaking time).

13. At its forty-sixth session, the Subcommission, pursuant to its resolution 1993/4, established a sessional working group on methods of work. In its decision 1994/117, the Subcommission decided to adopt the report of its sessional working group on methods of work (E/CN.4/Sub.2/1994/3), including its recommendations, which should be strictly adhered to. The Subcommission also decided that, at its forty-seventh session, on an experimental basis, item 6 would be considered as soon as the agenda was approved.

14. The recommendations of the working group on methods of work regarding agenda item 6, as approved by the Subcommission, were as follows:

"1. Speaking time

(a) As a guideline supplementary to guideline No. 16, maximum speaking time under agenda item 6 shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 1800 hours on the day before the opening of the debate

on agenda item 6. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Two meetings shall be allocated for the presentations by the observers referred to above.

(b) The rule under (a) also applies to government observers who wish to provide information on human rights developments in their country, provided they have signed up before the closure of the list mentioned. Government observers should normally avoid - under agenda item 6 - addressing human rights situations in countries other than their own.

(c) Speaking time for government observers exercising a right of reply is additional to time used by that observer Government under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. Rights of reply shall normally be made after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be made earlier.

"2. Allocation of time and sequence of speaking

The allocation of time under agenda item 6 shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Subcommission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Subcommission."

15. When considering its organization of work, the Subcommission may also wish to take into account Commission resolution 1995/26, in which the Commission, inter alia: (a) recommended that the Subcommission, when adopting its agenda for its forty-seventh session, allocate, within its scheduled meetings, sufficient time for an adequate discussion of its studies and reports; (b) requested the Subcommission, if necessary, to re-evaluate, in the light of the experience of the participants in the forty-seventh session, its decision to consider, at its forty-seventh session, on an experimental basis, agenda item 6 as soon as the agenda is approved.

16. The Subcommission will also recall its decision 1990/122, by which it decided that draft resolutions and decisions should not be introduced by one of the sponsors, and urged members not to make general comments on the draft, but rather to offer only concrete proposals on the texts.

17. With regard to documentation, the attention of the Subcommission is drawn to Economic and Social Council resolution 1986/33, adopted upon the recommendation of the Commission contained in its resolution 1986/31, by which the Council requested the Subcommission henceforth to submit to the Commission, after a thorough examination, the studies and reports prepared by the special rapporteurs of the Subcommission with a brief written introductory statement by the special rapporteur, and to discontinue the practice of

requesting special rapporteurs to introduce their reports personally to the Commission. The Council further requested the Subcommission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Subcommission should be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. In this connection, reference should be made to Economic and Social Council resolution 1982/50 and the annex thereto, Commission resolutions 17 (XXXVII) of 10 March 1981, 1983/22, 1983/28, 1988/43, 1989/32 and 1991/56, as well as the instructions issued by the Secretary-General with respect to documentation for meetings (ST/SGB/184/Add.1 and ST/AI/189/Add.20/Rev.1).

Interpretation of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council

18. At its forty-second session, the Subcommission decided to suspend temporarily rule 59 of the rules of procedure for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 (decision 1990/105) and agenda item 9 (decision 1990/111).

19. At the same session, the Subcommission adopted resolution 1990/4, by which it recommended to the Commission the adoption of a draft resolution recommending that the Economic and Social Council should add the following footnote to rule 59 of the rules of procedure of its functional commissions:

> "It is understood that the Subcommission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot."

20. At its forty-seventh session, the Commission, in its resolution 1991/81, recommended to the Council that it interpret rule 59 of the rules of procedure as follows: it is understood that the Subcommission on Prevention of Discrimination and Protection of Minorities may vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it so decides by a majority of its present and voting members. This recommendation was adopted by the Economic and Social Council at its first regular session of 1991, in its resolution 1991/32.

21. At its forty-fourth session, the Subcommission, by its decision 1992/105, decided, pursuant to Economic and Social Council resolution 1991/32, to vote on resolutions, decisions and any proposals of a substantive nature under agenda item 6 of its forty-fourth session by secret ballot, whenever a vote was requested thereon.

22. At its forty-sixth session, the Subcommission, by its decision 1994/110, decided to vote by secret ballot, whenever such a vote was requested, on

proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

Item 3. Review of the work of the Subcommission

23. This item was first on the Subcommission's agenda at its thirty-fifth session, in accordance with its decision 2 (XXXIV) of 3 September 1981. (See also para. 6 above.) Subsequently, the Economic and Social Council, by resolutions 1983/32 and 1986/35; the Commission, by resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43, 1989/36, 1990/64, 1991/56, 1992/66, 1993/28, 1994/23 and 1995/26 and decisions 1986/102 and 1994/103; and the Subcommission, by resolutions 1983/21, 1984/37, 1985/24 and 1992/8 and decisions 1990/101, 1991/117 and 1994/117, provided a number of general and specific directives and suggestions concerning the Subcommission's role and methods of work. In its resolutions 1991/56, 1992/66, 1993/28, 1994/23 and 1995/26, the Commission requested the Chairmen of the Subcommission to report to the Commission. The Chairmen of the Subcommission submitted their reports to the Commission at its forty-eighth (E/CN.4/1992/46), forty-ninth (E/CN.4/1993/60), fiftieth (E/CN.4/1994/70) and fifty-first (E/CN.4/1995/83) sessions.

24. At its forty-fourth session, the Sub-Commission, in its resolution 1992/8, having taken note of the report of the inter-sessional Working Group on the methods of work of the Subcommission, decided to annex to that resolution the document entitled "Guidelines which the Subcommission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66".

25. At its forty-fifth session, the Subcommission, in its resolution 1993/4 decided to convene, during its forty-sixth session, a sessional working group to continue the study of its methods of work, with particular emphasis on the methods to be used and procedures to be followed under item 6 of the agenda concerning the violation of human rights and fundamental freedoms, as well as on the means to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Subcommission. (See also paras. 13-15 above.)

26. In its decision 1994/103, entitled "Enhancing the work of the Subcommission on Prevention of Discrimination and Protection of Minorities", the Commission inter alia requested the Subcommission to present its recommendations to the Commission, in so far as appropriate, in the light of the guidelines adopted by the Subcommission at its forty-fourth session concerning its methods of work (resolution 1992/8), as well as the need for the Subcommission to improve its deliberative processes, to avoid overloading its agenda with materials that are not adequately discussed and to establish priorities in its work, in particular to leave adequate time and resources for the consideration of new developments in the field of human rights.

27. The Commission on Human Rights, at its fifty-first session, adopted resolution 1995/26, entitled "Work of the Subcommission on Prevention of

Discrimination and Protection of Minorities". In that resolution, the Commission, in addition to the points described in paragraph 15 above, inter alia,

(a) Reaffirmed that the Subcommission could best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Subcommission, as well as in the expert studies carried out under its auspices;

(b) Called upon the Subcommission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

(c) Reaffirmed that one of the tasks of the Subcommission was a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission;

(d) Invited the Subcommission to continue to give due regard to new developments in the field of human rights;

(e) Reiterated its request to the Subcommission to implement fully the Guidelines annexed to Subcommission resolution 1992/8, including those concerning the number of studies and the requirement of the submission of a preparatory document before a study is entrusted to a Special Rapporteur and to establish priorities relating to its work;

(f) Encouraged the Subcommission to continue to consider all such reforms of its agenda and methods of work that served the efficiency of its work, better coordination with other organs and mechanisms in the field of human rights, and better dissemination of the results of its work;

(g) Requested the Subcommission to ensure that each completed study is accompanied by a short summary, for the purpose of its widest possible dissemination.

In the same resolution, the Commission invited its Chairman to inform the Subcommission on the debate in the Commission on the work of the Subcommission.

28. With respect to standard-setting activities, the Subcommission will recall Commission resolution 1987/24, in which the Commission invited the Subcommission, when engaged in developing international instruments in the field of human rights, to bear in mind the guidelines established in General Assembly resolution 41/120 of 4 December 1986. In that resolution, the Assembly urged Member States and United Nations bodies engaged in developing new international human rights standards to give due consideration in that work to the established international legal framework, and invited Member States and United Nations bodies to bear in mind the following guidelines in developing international instruments in the field of human rights. Such instruments should, inter alia:

(a) Be consistent with the existing body of international human rights law;

(b) Be of fundamental character and derive from the inherent dignity and worth of the human person;

(c) Be sufficiently precise to give rise to identifiable and practicable rights and obligations;

(d) Provide, where appropriate, realistic and effective implementation machinery, including reporting systems;

(e) Attract broad international support.

Implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission on Human Rights

29. In its resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights, inter alia, requested the Subcommission to prepare, for the use of the Commission in its examination of that question, a report containing information on violations of human rights and fundamental freedoms from all available sources (para. 2). The Commission further invited the Subcommission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories (para. 6).

30. At its fortieth session, the Commission decided to continue at its forty-first session the discussion of the various possibilities of implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission, without prejudice to the confidential procedure provided for in resolution 1503 (XLVIII) of the Economic and Social Council or other procedures instituted since the adoption of that resolution by the Council (decision 1988/104).

31. At its forty-first session, by its decision 1989/104, the Subcommission decided that, at the beginning of its forty-second session, it would establish a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Subcommission, to prepare an overview and an analysis of the suggestions and proposals which had been made in order to enable the Subcommission better to discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter. The Subcommission further decided to request the same sessional working group, in preparing the overview and analysis, to submit to the Subcommission its views and recommendations as to the possible advantages and disadvantages of the various suggestions and proposals referred to above, and to present its findings in the light of the deliberations of the Subcommission at its forty-second session under the agenda item relating to the question of the violations of human rights and fundamental freedoms.

32. At its forty-second session, the Subcommission, in its decision 1990/125, took note of the report of its Working Group established pursuant to its decision 1989/104 (E/CN.4/Sub.2/1990/14) and decided that the Working Group should continue its work at the forty-third session of the Subcommission.

33. At its forty-third session, the Subcommission, by its decision 1991/101, decided to establish a sessional working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories: report of the Subcommission under Commission on Human Rights resolution 8 (XXIII). By its decision 1991/117, the Subcommission decided to establish in 1992, on an exceptional basis, an inter-sessional working group which would have as its task the elaboration of proposals for the rationalization of the work and agenda of the Subcommission with regard to, inter alia, methods and means of dealing with violations of human rights.

34. At its forty-eighth and subsequent sessions, the Commission, reaffirmed that one of the tasks of the Subcommission was a thorough examination of information concerning alleged human rights violations, as well as the presentation of the research and the results of the examination to the Commission (resolutions 1992/66, 1993/28, 1994/23 and 1995/26).

35. In its report (E/CN.4/Sub.2/1992/3), the inter-sessional Working Group on the methods of work of the Subcommission recommended to the Subcommission that it transmit to the sessional Working Group the document prepared by Mr. Chernichenko entitled "Draft proposal on the methods of consideration in the Subcommission of violations of human rights" (E/CN.4/Sub.2/1992/3/Add.1), which the inter-sessional Working Group had not been able to consider because of the limits to its terms of reference.

36. The sessional working group convened by the Subcommission during its forty-sixth session pursuant to Subcommission resolution 1993/4, adopted several recommendations relating to methods of work of the Subcommission regarding agenda item 6 (E/CN.4/Sub.2/1994/3, annex). By its decision 1994/117, the Subcommission approved the recommendations of its working group and decided that they should be strictly adhered to (see paras. 13 and 14 above).

Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)

37. At its forty-fifth session the Subcommission decided, by its decision 1993/104, to study the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, including the possible abolition of that procedure, at its forty-sixth session, and requested the secretariat to prepare a working paper on the subject for consideration at that session and to obtain the opinion of the United Nations Legal Counsel on the interpretation to be given to paragraph 10 of resolution 1503 (XLVIII).

38. At its forty-sixth session, the Subcommission had before it the working paper prepared by the secretariat (E/CN.4/Sub.2/1994/17) and the text of the opinion of the Legal Counsel (E/CN.4/Sub.2/1994/17/Add.1).

Item 4. Review of further developments in fields with which the Subcommission has been concerned

39. This item has been regularly considered by the Subcommission since 1962, in conformity with resolution 5 (XIV). The Subcommission, at its forty-seventh session, will have before it a note by the Secretary-General containing a review of further developments in fields with which the Subcommission has been concerned (E/CN.4/Sub.2/1995/3).

40. Under this item, the Subcommission has discussed recent activities of the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to matters dealt with by the Subcommission. The reports of ILO and UNESCO on their activities relating to these matters will be available in documents E/CN.4/Sub.2/1995/4 and E/CN.4/Sub.2/1995/5 respectively.

Declaration of Minimum Humanitarian Standards

41. At its forty-third session, the Subcommission adopted decision 1991/107, in which it noted with interest the working paper containing the Declaration of Minimum Humanitarian Standards, adopted by a meeting of experts convened by the Institute for Human Rights, Abo Akademi University, in Turku/Abo, Finland, from 30 November to 2 December 1990 (E/CN.4/Sub.2/1991/55), and decided to give due attention to the working paper in its future work.

42. At its forty-sixth session the Subcommission, in its resolution 1994/26, decided to transmit the text of the Declaration of Minimum Humanitarian Standards to the Commission on Human Rights and recommended that the Commission examine the Declaration with a view to its further elaboration and eventual adoption.

43. The Commission, at its fifty-first session, in its resolution 1995/29, requested the Secretary-General to transmit the text of the Declaration of Humanitarian Standards (E/CN.4/Sub.2/1991/55) to Governments and intergovernmental and non-governmental organizations for their comments and to submit a report on that matter to the Commission at its fifty-second session.

Definition of gross and large-scale violations of human rights as an international crime

44. At its forty-fifth session, the Subcommission, in its resolution 1993/30, expressed its appreciation to Mr. Stanislav Chernichenko for the working paper on the definition of gross and large-scale violations of human rights as an international crime (E/CN.4/Sub.2/1993/10 and Corr.1) and decided to recommend that the Commission on Human Rights appoint him as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime".

45. The Commission on Human Rights, at its fiftieth session, decided, by its decision 1994/103, to request the Subcommission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned report. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Subcommission to present its recommendations to the Commission at its fifty-first session.

46. At its forty-sixth session the Subcommission, in its resolution 1994/28, having taken into account decision 1994/103 of the Commission on Human Rights and having considered, however, that the preparation of that report was very important and opportune, decided to recommend to the Commission the appointment of Mr. Chernichenko as Special Rapporteur.

47. At its fifty-first session, the Commission on Human Rights, in its decision 1995/111, requested the Subcommission, bearing in mind the work of the other United Nations bodies on that issue, to reconsider its recommendation to appoint a special rapporteur to prepare a report on the recognition of gross and large-scale violations of human rights, perpetrated on the orders of Governments or sanctioned by them, as an international crime.

Discrimination against HIV-infected people or people with AIDS

48. The Subcommission, by its decision 1988/111, requested Mr. Luis Varela Quirós to submit to the Subcommission at its forty-first session a concise note setting forth methods by which a study on the problem of discrimination against persons with the HIV virus or suffering from AIDS could be made.

49. At its forty-first session, the Subcommission entrusted Mr. Varela Quirós with a study of problems and causes of discrimination against HIV-infected people or people with AIDS, taking into account Commission resolution 1989/11 and the issues and guidelines of the 1989 International Consultation on HIV/AIDS and Human Rights convened at Geneva from 26 to 28 July 1989 (HR/PUB/90/2).

50. The Subcommission at its forty-second session, in its decision 1990/118, took note of the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1990/9) and, at its forty-third session, in its decision 1991/109, of the progress report of the Special Rapporteur (E/CN.4/Sub.2/1991/10). At its forty-fourth session, the Subcommission took note of the report of the Special Rapporteur (E/CN.4/Sub.2/1992/10) in its resolution 1992/108. At its forty-fifth session the Subcommission, in its resolution 1993/31, endorsed the conclusions and recommendations of the Special Rapporteur (E/CN.4/Sub.2/1993/9).

51. The Subcommission at its forty-sixth session, in its resolution 1994/29, welcomed the report of the Secretary-General on developments in the United Nations system concerning HIV/AIDS, in particular the progress made in establishing a joint and co-sponsored United Nations programme on HIV/AIDS (E/CN.4/Sub.2/1994/8).

52. The Commission, at its fifty-first session, had before it a report of the Secretary-General on international and domestic measures taken to protect human rights and to prevent discrimination in the context of HIV/AIDS (E/CN.4/1995/45), prepared pursuant to Commission resolution 1994/49. The Commission, in its resolution 1995/44, called upon the Subcommission to keep the issue of AIDS-related discrimination under continuous review under all relevant agenda items, as well as within the work of its relevant working groups and special rapporteurs.

Traditional practices affecting the health of women and children

53. The Subcommission at its thirty-sixth session, in resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children. Consequently, the Economic and Social Council endorsed, in its resolution 1984/34, the request of the Commission on Human Rights, contained in Commission resolution 1984/48, that a working group of experts should undertake such a study. The Commission, at its forty-second session, had before it the report of the Working Group (E/CN.4/1986/42) and adopted resolution 1986/28. The Commission also considered the issue at its forty-fourth session (resolution 1988/57).

54. The Subcommission at its fortieth session, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children. At its forty-first session, in its resolution 1989/16, the Subcommission took note of Ms. Warzazi's preliminary report (E/CN.4/Sub.2/1989/42 and Add.1). The recommendations contained in that resolution were endorsed by the Commission (decision 1990/109) and the Economic and Social Council (decision 1990/247).

55. At its forty-third session the Subcommission, in its resolution 1991/23, having studied the final report of the Special Rapporteur (E/CN.4/Sub.2/1991/6), as well as the report of the regional seminar held in Burkina Faso from 29 April to 3 May 1991 (E/CN.4/Sub.2/1991/48), recommended, inter alia, that the mandate of the Special Rapporteur be extended for two years to enable her to submit to the Subcommission at its forty-fifth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children. The recommendation was endorsed by the Commission (decision 1992/109) and the Economic and Social Council (decision 1992/251).

56. At its fiftieth session, the Commission, in its decision 1994/104, taking note of resolution 1993/33 of the Subcommission, endorsed the recommendation of the Subcommission that the mandate of the Special Rapporteur be extended for another year.

57. At its forty-sixth session the Subcommission, in its resolution 1994/30, having taken note of the report of the regional seminar held in Sri Lanka from 4 to 8 July 1994 (E/CN.4/Sub.2/1994/10 and Corr.1), adopted the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

58. The Commission on Human Rights, at its fifty-first session, in its decision 1995/112, endorsed the recommendation contained in Subcommission

resolution 1994/30, to extend the mandate of the Special Rapporteur for two more years, in order to enable her to undertake an in-depth study to assess, inter alia, the differences and the similarities between traditional practices affecting the health of women and children in many parts of the world.

59. At the present session, the Subcommission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1995/6).

Obstacles to the establishment of a democratic society

60. The Subcommission at its forty-sixth session, in decision 1994/114, decided to postpone the consideration of draft resolution E/CN.4/Sub.2/1994/L.43 entitled "Obstacles to the establishment of a democratic society", until its forty-seventh session.

61. The Commission on Human Rights at its fifty-first session, adopted resolution 1995/60, in which, inter alia, it recommended that the Subcommission discuss at its next session ways and means of overcoming obstacles to the consolidation of democratic societies, taking into account the relation between democracy, development and human rights.

62. With regard to this issue, the attention of the Subcommission is also drawn to General Assembly resolution 49/30, entitled "Support by the United Nations system for the efforts of Governments to promote and consolidate new or restored democracies".

Item 5. Elimination of racial discrimination

Sub-item (a) Measures to combat racism and racial discrimination and the role of the Subcommission

63. The Subcommission decided to include this item in its agenda at its thirty-first session, in 1978, and the item has since remained on its agenda.

64. Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the General Assembly, at its forty-ninth session, adopted resolution 49/147 on 23 December 1994, in which it expressed its full support for the work of the Special Rapporteur.

65. The Commission on Human Rights, at its fifty-first session, in its resolution 1995/12, requested the Special Rapporteur to continue to examine, in accordance with his mandate, incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters to the Commission at its fifty-second session.

66. The Commission also requested the Special Rapporteur to continue his exchange of views with relevant mechanisms and treaty bodies within the United Nations system in order further to enhance their effectiveness and mutual cooperation; requested the Special Rapporteur to make the fullest use

of all additional sources of information, including country visits and the evaluation of mass media, and to elicit the responses of Governments with regard to allegations; encouraged the Special Rapporteur, in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations, to present recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance.

67. In its decision 1995/104, the Commission on Human Rights, taking note of resolution 1994/2 of the Subcommission, decided to recommend, through the Economic and Social Council, to the General Assembly at its fiftieth session, to consider the possibility of convening a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance.

68. The attention of the Subcommission is also drawn to Commission resolution 1995/11, entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" and the report of the Secretary-General on this issue submitted to the Commission (E/CN.4/1995/77).

69. On 18 August 1994, during the forty-sixth session of the Subcommission, the officers of the Subcommission and the Committee on the Elimination of Racial Discrimination held a joint meeting at which it was decided to convene a joint plenary meeting of both organs, tentatively scheduled to be held during the first week of August 1995, to discuss issues of common interest.

70. The attention of the Subcommission is also drawn to the reports prepared by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur of the Commission on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/49/677, E/CN.4/1995/78 and Add.1).

Sub-item (b) Monitoring the transition to democracy in South Africa

71. At its forty-fifth session the Subcommission decided to replace agenda item 5 (b), entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa", by a new sub-item, entitled "Monitoring the transition to democracy in South Africa" (decision 1993/102).

72. Upon the recommendation of the Commission, in its resolution 1993/19, the Economic and Social Council, in its resolution 1993/45, authorized the Subcommission to entrust Ms. Judith Sefi Attah with the task of presenting annually a report on the transition to democracy in South Africa, including:

(a) Steps taken in accordance with international human rights instruments to prevent violence between different groups in South Africa;

(b) Steps taken to investigate the alleged involvement of the South African security forces in fomenting violence and how that problem was being addressed;

(c) Steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid system to the so-called homelands;

(d) Steps taken to ensure the enjoyment by all South Africans, without discrimination, of economic and social rights;

(e) An analysis of the obstacles preventing the democratization of South Africa and ways and means to eliminate them.

73. At its forty-fifth session, the Subcommission, in its resolution 1993/1, having considered the preliminary report prepared by Ms. Attah (E/CN.4/Sub.2/1993/11), requested the Special Rapporteur to submit her second report to the Subcommission at its forty-sixth session.

74. At its fiftieth session the Commission, in its resolution 1994/8, took note with appreciation of the report of the Special Rapporteur (E/CN.4/Sub.2/1993/11 and Add.1) on the positive developments in South Africa, requested the Special Rapporteur to undertake two missions to South Africa in 1994 to gain further insights into the whole process of transition to democracy in South Africa and to report to the Commission at its fifty-first session.

75. At its forty-sixth session, the Subcommission, in its resolution 1994/3, requested the Special Rapporteur to submit to the Commission at its fifty-first session and to the Subcommission at its forty-seventh session, her second and final report on the steps and measures being taken by the Government of South Africa to:

(a) Eradicate the legacies of apartheid;

(b) Rehabilitate its victims;

(c) Build confidence amongst the communities to promote reconciliation and harmony;

(d) Give effect to the realization and enjoyment of economic, social and cultural rights.

76. At its fifty-first session, the Commission considered the final report prepared by the Special Rapporteur (E/CN.4/1995/24). In its resolution 1995/9, the Commission expressed its appreciation to the Special Rapporteur for the important role she had played in support of the efforts to eliminate apartheid in South Africa and to establish a non-racial society in that country.

77. The Commission considered that the mandate of the Special Rapporteur had been successfully concluded and decided to terminate it, as at the date of adoption of its resolution 1995/9. It also decided to remove from its agenda, as at its fifty-second session, the item entitled "Monitoring and assisting the transition to democracy in South Africa".

78. At the present session, the Subcommission will have before it the final report of the Special Rapporteur, Ms. Judith Sefi Attah, (document E/CN.4/1995/24).

79. The attention of the Subcommission is also drawn to Commission decision 1995/103, in which it decided not to have a general debate on items 5, 6 and 15, entitled respectively "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts", "Monitoring and assisting the transition to democracy in South Africa" and "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

Item 6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Subcommission under Commission on Human Rights resolution 8 (XXIII)

80. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Subcommission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. The Secretary-General was requested, in paragraph 3, to provide assistance and facilities to the Subcommission in accomplishing its task. In paragraph 6, the Commission invited the Subcommission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

81. The Economic and Social Council, in resolution 1235 (XLII) of 6 June 1967, welcomed the decision of the Commission to give annual consideration to the item and concurred with the requests for assistance addressed to the Subcommission and the Secretary-General in Commission resolution 8 (XXIII). The Council authorized the Commission and the Subcommission to examine information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, and further authorized the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights.

82. In discussing this item, the Subcommission may wish to take into account the following resolutions and decision adopted by the Subcommission at its forty-sixth session, by the General Assembly at its forty-ninth session, and by the Commission on Human Rights at its fifty-first session, in addition to those referred to in the foregoing paragraphs:

Subcommission (forty-sixth session)

Resolutions

1994/1	Situation in Rwanda
1994/12	The situation of the Greek ethnic minority in Albania: infringement of the rules for a fair trial
1994/13	Situation in the Middle East
1994/14	Situation of human rights in Iraq
1994/15	Violation of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations
1994/16	Situation of human rights in the Islamic Republic of Iran
1994/17	Situation in Burundi
1994/18	Human rights and terrorism
1994/19	Situation of human rights in Chad
1994/20	Situation of human rights in Togo
1994/21	Situation in Bougainville
1994/22	Situation of human rights in Haiti
1994/23	Situation of human rights in Guatemala

Decision

1994/110	Voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries

General Assembly (forty-ninth session)

Resolutions

49/36 A to D	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
49/185	Human rights and terrorism
49/191	Summary or arbitrary executions

49/196	Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)
49/197	Situation of human rights in Myanmar
49/198	Situation of human rights in the Sudan
49/200	Situation of human rights in Cuba
49/202	Situation of human rights in the Islamic Republic of Iran
49/203	Situation of human rights in Iraq
49/204	Situation of human rights in Kosovo
49/205	Rape and abuse of women in the areas of armed conflict in the former Yugoslavia
49/206	Situation of human rights in Rwanda
49/207	Situation of human rights in Afghanistan

Commission on Human Rights (fifty-first session)

Resolutions

1995/1	Question of the violation of human rights in the occupied Arab territories, including Palestine
1995/2	Human rights in the occupied Syrian Golan
1995/3	Israeli settlements in the occupied Arab territories
1995/4	Situation in occupied Palestine
1995/43	Human rights and terrorism
1995/52	Situation of human rights in Togo
1995/65	Human rights violations on the Papua New Guinea island of Bougainville
1995/66	Situation of human rights in Cuba
1995/67	Human rights situation in southern Lebanon and the western Bekaa
1995/68	Situation of human rights in the Islamic Republic of Iran
1995/69	Situation of human rights in Zaire

1995/71 Situation of human rights in Equatorial Guinea

1995/72 Situation of human rights in Myanmar

1995/73 Extrajudicial, summary or arbitrary executions

1995/74 Situation of human rights in Afghanistan

1995/76 Situation of human rights in Iraq

1995/77 Situation of human rights in the Sudan

1995/89 Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

1995/90 Situation of human rights in Burundi

1995/91 Situation of human rights in Rwanda

Statement by the Chairman on the situation of human rights in Chechnya (E/1995/23 - E/CN.4/1995/176, para. 594)

Statement by the Chairman on the situation of human rights in East Timor (E/1995/23 - E/CN.4/1995/176, para. 590)

83. At its present session the Subcommission will have before it a note by the Secretary-General on relevant reports and United Nations measures to prevent human rights violations in the Islamic Republic of Iran, submitted pursuant to Subcommission resolution 1995/16 (E/CN.4/Sub.2/1995/8). It will also have before it a working paper on the question of human rights and terrorism, prepared by Mr. Saïd Naceur Ramadhane pursuant to its resolution 1994/18 (E/CN.4/Sub.2/1995/9).

Item 7. The new international economic order and the promotion of human rights

84. The Subcommission at its thirty-first session, by decision 6 (XXXI) of 15 September 1978, added to the agenda for its thirty-second session an item entitled "The new international economic order and the promotion of human rights". In its resolution 1985/34, the Subcommission decided to consider this item on a biennial basis. In its resolution 1989/1, the Subcommission decided to consider this item on an annual basis.

85. No decision was adopted under this item by the Subcommission at its forty-sixth session.

Sub-item (a) The role and equal participation of women in development

86. The Subcommission proposed to include the topic "Prevention of discrimination and protection of women" as a sub-item on its agenda during its thirty-seventh session, in 1984.

87. At its thirty-ninth session, the Subcommission adopted resolution 1987/26, entitled "The role and equal participation of women in development", in which it decided to consider, at its forty-first and future sessions, and in connection with the item on its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development". The Subcommission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

88. At the present session, the Subcommission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

Item 8. The realization of economic, social and cultural rights

89. The Commission, at its forty-third session, in resolution 1987/19, requested the Subcommission to examine the conclusions and recommendations of the report of the Commission entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, Sales No. 75.XIV.2) and to submit to the Commission, at its forty-fourth session, a proposed timetable for updating those conclusions and recommendations, taking into account the activities of the specialized agencies, other United Nations bodies and organs, other intergovernmental organizations, Governments and non-governmental organizations, and keeping in mind the importance of maintaining a specific human rights focus in examining the issues raised in that report. The Commission also requested the Subcommission to consider, in accordance with its resolution 1983/35, the preparation of a study on the impact on human rights of the policies and practices of the major international financial institutions, most notably the International Monetary Fund and the World Bank.

90. The Subcommission, at its thirty-ninth session, in resolution 1987/29 A, recommended to the Commission on Human Rights and the Economic and Social Council, in response to Commission resolution 1987/19, that the Subcommission be authorized to appoint, from its members to be elected in 1988, a special rapporteur to study problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights; the special rapporteur would be requested to present a substantial progress report to the Subcommission at its forty-first session. The Commission, in its resolution 1988/22, invited the Subcommission to appoint a special rapporteur for that purpose.

91. At its fortieth session, the Subcommission, in its resolution 1988/33, decided to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, and recommended that the Special Rapporteur should

take account of the guidelines and issues contained in resolution 1987/29 A of the Subcommission. That decision was endorsed by the Commission in its resolution 1989/13 and by the Economic and Social Council in its decision 1989/138.

92. In the period from 1989 to 1992, the Special Rapporteur on the realization of economic, social and cultural rights submitted four reports: a preliminary report (E/CN.4/Sub.2/1989/19); two progress reports (E/CN.4/Sub.2/1990/19 and E/CN.4/Sub.2/1991/17) and a final report (E/CN.4/Sub.2/1992/16).

93. At its forty-fourth session, the Subcommission, in its resolution 1992/29, expressed its deep appreciation to the Special Rapporteur, Mr. Danilo Türk, for his final report on the realization of economic, social and cultural rights, endorsed the recommendations contained in paragraphs 202 to 246 of that report and requested the Secretary-General to ensure the widest possible distribution of the reports of the Special Rapporteur throughout the United Nations system, especially among programmes and agencies with mandates in the economic, social and cultural fields. In the same resolution, it urged the international financial institutions, in particular the World Bank and the International Monetary Fund, to take greater account of the adverse impacts of their policies and programmes of structural adjustment on the realization of economic, social and cultural rights. It requested the Secretary-General to invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights.

Measures towards the full realization of economic, social and cultural rights

94. At its forty-sixth session, the Subcommission, in its resolution 1994/37, mindful of the Vienna Declaration and Programme of Action, in which the need was underlined for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels, and aware that many of the activities outlined in earlier resolutions on economic, social and cultural rights by the Commission on Human Rights and the Subcommission had yet to be carried out or completed, requested the Secretary-General to complete the preparation of basic policy guidelines on structural adjustment and economic, social and cultural rights, based on the principles of international human rights law and which could serve as a basis for continued dialogue between the United Nations human rights programme and the international financial institutions of the United Nations, in particular the World Bank and the International Monetary Fund. It also requested the Secretary-General to prepare for its consideration at its forty-seventh session a background document examining the relationship between the enjoyment of human rights, in particular international labour and trade union rights, and the working methods and activities of transnational corporations.

95. At the present session, the Subcommission will have before it a report of the Secretary-General on basic policy guidelines (E/CN.4/Sub.2/1995/10) and a background document on international labour and trade union rights (E/CN.4/Sub.2/1995/11).

Income distribution

96. At its forty-fourth session the Subcommission, in its resolution 1992/29, decided to consider, at its forty-fifth session, the possibility of examining in a future study the subject of income distribution and the realization of economic, social and cultural rights and the issue of justiciability of economic, social and cultural rights.

97. At its forty-fifth session, the Subcommission, in its resolution 1993/40, decided to entrust Mr. Asbjørn Eide with the task of producing a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field. This decision was endorsed by the Commission in its resolution 1994/20.

98. At its forty-sixth session the Subcommission, in its resolution 1994/40, decided to appoint Mr. José Bengoa as Special Rapporteur on the relationship between the enjoyment of human rights and income distribution. By its decision 1995/105, the Commission on Human Rights approved the Subcommission's decision.

99. At the present session, the Subcommission will have before it the preliminary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/14).

The right to adequate housing

100. At its forty-third session, the Subcommission adopted resolution 1991/26, entitled "Promoting the realization of the right to adequate housing", in which it entrusted Mr. Rajindar Sachar with the task of producing a working paper on the right to adequate housing, with a view to determining how best to further both the recognition and the enforcement of this right. The Subcommission also requested Mr. Sachar to examine the utility of adopting an international declaration or convention on the right to adequate housing and to examine the specific contents of this right, and to submit his working paper to the Subcommission at its forty-fourth session.

101. At its forty-fourth session, the Subcommission, in its resolution 1992/26, having taken note of the preliminary conclusions contained in the working paper (E/CN.4/Sub.2/1992/15), decided to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing.

102. At its forty-fifth session, the Subcommission adopted resolution 1993/36, in which it endorsed the preliminary conclusions and recommendations contained in the progress report of the Special Rapporteur (E/CN.4/Sub.2/1993/15) and requested him to submit to the Subcommission, at its forty-sixth session, a second progress report.

103. At its forty-sixth session, in its resolution 1994/38, the Subcommission expressed its appreciation to the Special Rapporteur for his second progress

report (E/CN.4/Sub.2/1994/20). It decided to consider the final report and to develop a series of concrete measures based upon it at its forty-seventh session.

104. The Commission on Human Rights, in its resolution 1995/19, invited the Special Rapporteur to submit his final report to the Subcommission at its forty-seventh session.

105. At the present session, the Subcommission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/12).

Human rights and extreme poverty

106. The Commission on Human Rights, at its forty-sixth session, in resolution 1990/15, reaffirmed that extreme poverty and exclusion from society constituted violations of human dignity and that urgent national and international action was therefore required to eliminate them; it requested the Subcommission, when giving attention, in accordance with its resolution 1989/20, to problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question.

107. By its decision 1990/119, the Subcommission decided to request Mr. Eduardo Suescún Monroy to prepare the method and plan of work for the study on human rights and extreme poverty. At its forty-third session, the Subcommission had before it the report prepared by Mr. Eduardo Suescún Monroy (E/CN.4/Sub.2/1991/18).

108. The Commission, at its forty-eighth session, in resolution 1992/11, requested the Subcommission to undertake a study on the question of extreme poverty.

109. At its forty-fourth session, the Subcommission, in its resolution 1992/27, decided to appoint Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty and requested him to submit a preliminary report to the Subcommission at its forty-fifth session.

110. The Commission, at its forty-ninth session, in its resolution 1993/13, endorsed the Subcommission's decision and invited the Special Rapporteur to give special attention to the following aspects:

(a) The effects of extreme poverty on the enjoyment and exercise of the human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them.

111. At its forty-fifth session, the Subcommission, in its resolution 1993/35, took note with appreciation of the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1993/16) and requested him to submit to it, at its forty-sixth session, an interim report.

112. At its fiftieth session, the Commission, in its resolution 1994/12, approved the recommendation of the Special Rapporteur relating to the organization of a seminar on extreme poverty and denial of human rights, and decided to examine this question at its fifty-first session.

113. At its forty-sixth session, the Subcommission in its resolution 1994/41, requested the Special Rapporteur to submit to it at its forty-seventh session a second interim report, taking account of the comments made, particularly by the members of the Subcommission during consideration of his first interim report, and the results of the seminar on the topic "Extreme poverty and the denial of human rights", and including the initial results of his consultation with persons living in extreme poverty and persons working alongside them.

114. The Commission, at its fifty-first session, in its resolution 1995/16, welcomed the holding of the innovative seminar on extreme poverty and the denial of human rights, took note with appreciation of the report of the seminar (E/CN.4/1995/101), and recommended it to the attention of the Special Rapporteur.

115. The Commission also invited the Special Rapporteur to give attention to the declaration and programme of action to be adopted by the World Summit for Social Development.

116. At the present session, the Subcommission will have before it the second interim report of the Special Rapporteur (E/CN.4/Sub.2/1995/15).

Forced evictions

117. At its forty-third session, the Subcommission, in its resolution 1991/12, decided to review the matter of forced eviction as a gross and consistent pattern of human rights violations affecting large numbers of people and peoples at its forty-forth session.

118. The Commission on Human Rights, at its forty-ninth session, in its resolution 1993/77, adopted upon the recommendation of the Subcommission contained in its resolution 1992/14, requested the Secretary-General to compile an analytical report on the practice of forced eviction, based on an analysis of international law and jurisprudence and information submitted.

119. At its forty-fifth session, the Subcommission decided in its resolution 1993/41 to consider the issue of forced evictions at its forty-sixth session and to discuss the analytical report of the Secretary-General (E/CN.4/1994/20) under the agenda item entitled "The realization of economic, social and cultural rights" and determine how most effectively to continue its consideration of the issue of forced evictions.

120. At its forty-sixth session the Subcommission, in its resolution 1994/39, strongly urged Governments to undertake immediately all necessary measures towards eliminating the practice of forced eviction. It requested the Secretary-General, in accordance with paragraph 172 of his analytical report, to prepare a series of guidelines on international events and forced evictions. At the present session the Subcommission will have before it the report of the Secretary-General on this subject (E/CN.4/Sub.2/1995/13).

Other matters

121. With regard to the issues under this item, the attention of the Subcommission is drawn to General Assembly resolution 49/183, entitled "Right to development".

122. The Subcommission may also wish to note the following resolutions adopted by the Commission at its fifty-first session, in addition to those referred to in the foregoing paragraphs:

1995/13	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, of the implementation of the Declaration on the Right to Development
1995/15	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights
1995/17	The right to development
1995/45	Human rights and unilateral coercive measures
1995/81	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

Item 9. Communications concerning human rights: report of the Working Group established under Subcommission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

123. In its resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Subcommission to appoint a working group of not more than five of its members to meet annually and consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Subcommission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. As an initial step in the implementation of Council resolution 1503 (XLVIII), the Subcommission adopted resolution 1 (XXIV) of 13 August 1971 containing provisional procedures for dealing with the question of admissibility of communications.

The Working Group on Communications was established by Subcommission resolution 2 (XXIV) of 16 August 1971. It has met prior to each session of the Subcommission and has annually submitted a confidential report to the Subcommission.

124. Under the terms of Council resolution 1503 (XLVIII), the Subcommission is called upon to consider at private meetings the communications brought before it in accordance with the decision of a majority of the members of the Working Group on Communications and any replies of Governments relating thereto, and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the Subcommission communicates its conclusions on the item confidentially to the Commission.

125. By decision 4 (XXXIV) of 3 March 1978, the Commission decided that the Subcommission and its Working Group on Communications should thenceforth have access to the records of the closed meetings of the Commission covering its examination of situations referred to it under Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that had been before the Commission.

126. By decision 3 (XXXIV) of 3 March 1978, the Commission decided that, when dealing with communications under Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item and to take the floor if he or she so wished.

127. A number of other procedural steps have been taken at the Commission level, or by the Economic and Social Council, with regard to the application of the procedure governed by Council resolution 1503 (XLVIII). Since 1974, the Commission has every year established a working group (Working Group on Situations) to assist it in examining the situations referred to it by the Subcommission and to make recommendations thereon to it. By resolution 1990/41, the Economic and Social Council authorized the establishment of the Commission's Working Group on Situations on a permanent basis, instead of the earlier ad hoc basis. The recommendations of the Working Group on Situations are communicated to the Governments directly concerned (see Commission decision 14 (XXXV) of 12 March 1979), which are invited to participate in the meetings of the Commission at which the situations in question are examined (see Commission decisions 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980).

128. By decision 1990/112, the Subcommission, wishing to modify its decision 1989/102, decided that the Working Group on Communications, acting under paragraph 1 of Council resolution 1503 (XLVIII), should in the future consider only those communications that had been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meetings of the Working Group. At its forthcoming session, to be held from 17 to 28 July 1995, the Working Group on Communications will, accordingly, consider communications received

and processed by the Secretariat since 22 April 1994 and forwarded to the Governments concerned not later than 21 April 1995.

129. Since its forty-first session in 1989, the Subcommission has voted by secret ballot on all decisions adopted under the procedure governed by Council resolution 1503 (XLVIII). In 1989 and 1990, this was done by way of suspending rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council and, since 1991, by reference to Council resolution 1991/32 of 31 May 1991 on the strengthening of the independence of the members of the Subcommission.

130. The Subcommission's attention is also drawn to paragraph 5 of its last confidential report, which relates to matters kept pending until its forty-seventh session.

131. At the present session, the Subcommission will have before it the following documents:

(a) The confidential report of the Working Group on Communications of the Subcommission on its meetings from 17 to 28 July 1995;

(b) Relevant documentation referred to in paragraph 5 of the Subcommission's last confidential report;

(c) The confidential summary records of the fifty-first session of the Commission on Human Rights, the text of the Commission's confidential decisions and other documents relating thereto;

(d) Resolutions and decisions adopted by the Council, the Commission and the Subcommission that are of relevance to the work of the Subcommission under Council resolution 1503 (XLVIII);

(e) Confidential lists of communications compiled by the Secretary-General under Council resolutions 728 F (XXVIII) and 1503 (XLVIII) since the Subcommission's forty-sixth session, as well as replies received from Governments during the period July 1994-June 1995.

132. The above-mentioned confidential documents will be handed to the members of the Subcommission.

Item 10. <u>The administration of justice and the human rights of detainees</u>

<u>Sessional working group on the administration of justice and the question of compensation</u>

133. At its thirty-fourth and subsequent sessions, the Subcommission established a sessional working group to consider the question of the human rights of detained persons.

134. At its forty-sixth session, the Subcommission decided, by its decision 1994/104, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention.

135. At the same session, the Subcommission adopted resolution 1994/33, in which, noting the report of its sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1994/22) and the preliminary consideration given by the sessional working group to the proposed basic principles and guidelines contained in the final report of the Special Rapporteur, Mr. Theo van Boven, on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8), decided to continue the consideration of the proposed basic principles and guidelines at its forty-seventh session with a view to making substantive progress in the matter. It also requested the Secretary-General to invite States and competent intergovernmental and non-governmental organizations which had not yet done so to submit their comments on the proposed basic principles and guidelines.

136. The Commission on Human Rights, at its fifty-first session, in its resolution 1995/34, entitled "Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms", encouraged the Subcommission to continue to give consideration to the proposed basic principles and guidelines at its forty-seventh session, with a view to making substantive progress on this matter in the specific field of violations of human rights.

137. At the present session the Subcommission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1995/17).

Question of the impunity of perpetrators of violations of human rights

138. By its decision 1991/110, the Subcommission, taking into account the interest shown at its forty-third session in the working paper on measures to be taken to combat the increasingly widespread practice of impunity for perpetrators of serious violations of human rights (E/CN.4/Sub.2/1991/WP.5), decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a working paper expanding and elaborating upon the above-mentioned paper, for consideration by the Subcommission at its forty-fourth session.

139. At its forty-fourth session the Subcommission, in its resolution 1992/23, took note with satisfaction of the working paper prepared by Mr. Guissé and Mr. Joinet (E/CN.4/Sub.2/1992/18) and decided to request them to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scale of the phenomenon of impunity and to propose measures to combat that practice. This decision was endorsed by the Commission in its resolution 1993/43.

140. At its forty-fifth session the Subcommission adopted resolution 1993/37, in which it welcomed the preliminary report (E/CN.4/Sub.2/1993/6) on the question of the impunity of perpetrators of violations of human rights (civil and political rights).

141. At its forty-sixth session the Subcommission, in its resolution 1994/34, welcomed with satisfaction the preliminary report (E/CN.4/Sub.2/1994/11) on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) and decided, in order to facilitate the

treatment of the question, to entrust Mr. Joinet with the first aspect, concerning civil and political rights, and Mr. Guissé with the second aspect, concerning economic, social and cultural rights.

142. At the present session the Subcommission will have before it the reports of the two Special Rapporteurs (E/CN.4/Sub.2/1995/18 and E/CN.4/Sub.2/1995/19).

Privatization of prisons

143. At its forty-first session, by decision 1989/110, the Subcommission requested Mr. Miguel Alfonso Martínez to prepare, without financial implications, a working paper containing proposals on the best way for the Subcommission to study further the issue of privatization of prisons, and to submit the working paper to the Subcommission at its forty-second session.

144. At its forty-third, forty-fourth and forty-fifth sessions, the Subcommission had before it, respectively, the working paper submitted by Mr. Alfonso Martínez (E/CN.4/Sub.2/1991/56), a working paper submitted by the Secretary-General (E/CN.4/Sub.2/1992/21) and an outline prepared by Mrs. Palley (E/CN.4/Sub.2/1993/21).

145. The Subcommission, at its forty-fifth session, requested the Commission on Human Rights, by its decision 1993/109, to authorize the Subcommission at its forty-sixth session to appoint one of its members to undertake a special study.

146. At its fiftieth session, the Commission, by its decision 1994/103, requested the Subcommission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned study. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Subcommission to present its recommendations to the Commission at its fifty-first session.

147. No decision was taken by the Subcommission on this issue at its forty-sixth session.

The right to a fair trial

148. The Subcommission, at its forty-first session, adopted resolution 1989/27, in which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial for submission to the Working Group on Detention and to the Subcommission.

149. Having considered the preparatory report of the two Special Rapporteurs (E/CN.4/Sub.2/1990/34), the Subcommission, in its resolution 1990/18, recommended to the Commission that it ask the Economic and Social Council to endorse its decision to entrust Messrs. Chernichenko and Treat with the preparation of a study entitled "The right to a fair trial: current

recognition and measures necessary for its strengthening". The Subcommission decision was endorsed by the Commission in its resolution 1991/43 and the Economic and Social Council in its decision 1991/262.

150. The Special Rapporteurs submitted their preliminary and progress reports (E/CN.4/Sub.2/1991/29, E/CN.4/Sub.2/1992/24, and Add.1-3 and E/CN.4/Sub.2/1993/24, and Add.1-2), to the Subcommission at its forty-third, forty-fourth and forty-fifth sessions.

151. The Subcommission, at its forty-sixth session, had before it the final report of the Special Rapporteurs (E/CN.4/Sub.2/1994/24), which included recommendations for strengthening the implementation of the right to a fair trial, together with a draft third optional protocol to the International Covenant on Civil and Political Rights, and a draft body of principles on the right to a fair trial and a remedy.

152. At its fifty-first session, the Commission on Human Rights, in its decision 1995/110, noting Subcommission resolution 1994/35, endorsed the proposal by the Subcommission that the full study of the Special Rapporteurs be published and given the widest possible distribution. The Commission also decided to consider at its fifty-second session the establishment of an open-ended working group to draft a third optional protocol to the International Covenant on Civil and Political Rights aiming at guaranteeing under all circumstances the right to a fair trial and a remedy.

Compensation for victims of gross violations of human rights

153. The Subcommission, at its forty-first session, in its resolution 1989/13, decided to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account relevant existing international human rights norms on compensation and relevant decisions and views of international human rights organs, with a view to exploring the possibility of developing some basic principles and guidelines in this respect.

154. The Subcommission, at its forty-fourth session, in its resolution 1992/32, requested the Special Rapporteur to continue his study, taking into account, inter alia, the comments made in the discussion on the preliminary and progress reports (E/CN.4/Sub.2/1990/10, E/CN.4/Sub.2/1991/7 and E/CN.4/Sub.2/1992/8), and to submit to the Subcommission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms.

155. The Subcommission examined the final report of the Special Rapporteur (E/CN.4/Sub.2/1993/8) at its forty-fifth session and adopted resolution 1993/29, in which it decided to examine further the proposed basic principles and guidelines included in the study at its forty-sixth session and requested the Secretary-General to submit the comments of Governments, intergovernmental organizations and non-governmental organizations thereon.

156. At its forty-sixth session the Subcommission, in its resolution 1994/33, decided to continue the consideration of the proposed basic principles and guidelines at its forty-seventh session with a view to making substantive progress in the matter, and requested the Secretary-General to invite States and competent intergovernmental and non-governmental organizations which had not yet done so to submit their comments on the proposed basic principles and guidelines.

157. The Commission on Human Rights, at its fifty-first session in resolution 1995/34, encouraged the Subcommission to continue to give consideration to the proposed basic principles and guidelines at its forty-seventh session, with a view to making substantive progress on this matter in the specific field of violations of human rights. The Commission requested States to provide information to the Secretary-General about legislation already adopted, as well as that in the process of being adopted, relating to restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms; and requested the Secretary-General to submit a report on this subject, taking into account the information provided by States, to the Commission at its fifty-second session.

158. At the present session, the Subcommission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1995/17 and Addenda).

Sub-item (a) Question of human rights and states of emergency

159. In its resolution 10 (XXX) of 31 August 1977, the Subcommission expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Convinced that a connection existed between such application and the situation regarding human rights in the said countries, the Subcommission considered that a comprehensive study of the implications for human rights of recent developments in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was undertaken by Ms. Nicole Questiaux, who submitted her final report (E/CN.4/Sub.2/1982/15) to the Subcommission at its thirty-fifth session.

160. In its resolution 1983/18, the Commission requested the Subcommission to propose, for the Commission's consideration at its fortieth session, measures designed to ensure respect throughout the world for human rights and fundamental freedoms in situations where states of siege or emergency existed.

161. At the Subcommission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, in its resolution 1985/37, authorized the Subcommission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Subcommission resolution 1983/30 for the purpose of (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; and (b) submitting an annual special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency. In its resolution 1985/32, the Subcommission requested Mr. Leandro Despouy, the Special Rapporteur, to present his first report to the Subcommission at its thirty-ninth session.

162. The Special Rapporteur has presented to the Subcommission and to the Commission on Human Rights an explanatory paper (E/CN.4/Sub.2/1985/19) and his first, second, third, fourth, fifth, sixth and seventh reports and lists of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, including the revised and updated versions of those reports (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1-2; E/CN.4/Sub.2/1988/18/Rev.1; E/CN.4/Sub.2/1989/30/Rev.2; E/CN.4/Sub.2/1991/28/Rev.1; E/CN.4/Sub.2/1992/23/Rev.1; E/CN.4/Sub.2/1993/23/Rev.1; E/CN.4/Sub.2/1994/23 and Corr.1).

163. Pursuant to the request contained in decision 1991/262 of the Economic and Social Council, the Special Rapporteur presented to the Subcommission and to the Commission on Human Rights the draft guidelines for the development of legislation on states of emergency, which were contained in annex I to his fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1).

164. The Subcommission, at its forty-sixth session, in its resolution 1994/36, requested the Special Rapporteur to report to the Subcommission at its forty-seventh session, in the context of his eighth report, on the results of a second expert meeting on the question of non-derogable rights, and on the results of his consultations on the subject of receiving, storing and retrieving information, through a data bank, on states of emergency and related human rights issues.

165. The Commission, in its resolution 1995/42, recommended that the Economic and Social Council endorse the Subcommission's request.

166. At the present session, the Subcommission will have before it the eighth annual report and list prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/20).

Sub-item (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

167. In its resolution 26 (XXXVI) of 11 March 1980, the Commission on Human Rights called upon Governments to observe the strict application of the principle that no one can be prosecuted or persecuted merely because of his connection, particularly family connection, with a suspect, an accused person or a person who has been convicted. The Subcommission was requested to study the question and to submit recommendations to the Commission for its consideration. The question was discussed at the thirty-seventh session of the Subcommission (E/CN.4/1985/3-E/CN.4/Sub.2/1984/43, paras. 235-237), but no action was taken.

Sub-item (c) Application of international standards concerning the human rights of detained juveniles

168. In its resolution 1989/31, the Subcommission requested the Secretary-General to update the report of the Secretary-General on the incarceration of children under the age of 18 with adult prisoners (E/CN.4/Sub.2/1987/30) and to submit the revision to the Subcommission at its forty-second session. In addition, it decided to appoint Mrs. María Concepción Bautista to prepare a report, without financial

implications, on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization and the objectives of institutional treatment. At its forty-second session, the Subcommission, in its resolution 1990/21, extended the mandate of Mrs. Bautista until its forty-third session. The Special Rapporteur submitted her report (E/CN.4/Sub.2/1991/24) to the Subcommission at its forty-third session.

169. In its resolution 1991/16, the Subcommission, at its forty-third session, requested the Special Rapporteur to submit to the Subcommission, at its forty-fourth session, an updated report containing further information concerning successful efforts to implement international standards, observations relating to practices that are not compatible with relevant international standards, and recommendations concerning measures that should be taken by States and the international community to increase effective recognition and protection of the rights of detained juveniles.

170. At its forty-fourth session, the Subcommission, in resolution 1992/25, congratulated the Special Rapporteur, Mrs. María Concepción Bautista, on the contents of her final report (E/CN.4/Sub.2/1992/20), and welcomed the proposal by the Secretary-General, contained in his note (E/CN.4/Sub.2/1992/20/Add.1), to organize a meeting of experts on the application of international standards concerning the human rights of detained juveniles.

171. In its resolution 1993/80, the Commission, at its forty-ninth session, also welcomed the proposal by the Secretary-General to organize, within the framework of the programme of human rights activities for 1994, such a meeting of experts.

172. At its forty-fifth session, the Subcommission, in its resolution 1993/27, welcomed Commission resolution 1993/80 and requested the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts. It also requested the Secretary-General to report on the results of the meeting to the Subcommission at its forty-sixth session and to the Commission at its fifty-first session.

173. The expert group meeting on children and juveniles in detention was organized by the Centre for Human Rights, with the cooperation of the Crime Prevention and Criminal Justice Branch and the Government of Austria, at Vienna from 30 October to 4 November 1994. The Commission on Human Rights, at its fifty-first session, in its resolution 1995/41, took note with appreciation of the recommendations of the meeting. The Commission also invited Governments to provide training in human rights and juvenile justice to all judges, lawyers, prosecutors, social workers and other professionals concerned with juvenile justice, including police and immigration officers.

174. In accordance with its resolution 1993/27, the Subcommission will have before it at its present session the report of the Secretary-General on the expert group meeting on children and juveniles in detention: application of human rights standards (E/CN.4/1995/100).

Sub-item (d) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

175. By its decision 1980/124, the Economic and Social Council authorized the Subcommission to entrust Mr. L.M. Singhvi with the preparation of a report on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers.

176. The Special Rapporteur accordingly submitted preliminary and progress reports on the subject in 1980, 1981 and 1982 (E/CN.4/Sub.2/L.731, E/CN.4/Sub.2/481 and Add.1, and E/CN.4/Sub.2/1982/23). He submitted his final report on the subject (E/CN.4/Sub.2/1985/18 and Add.1-6) to the Subcommission at its thirty-eighth session and drew attention, in particular, to the draft declaration on the independence of justice (E/CN.4/Sub.2/1985/18/Add.5/Rev.1).

177. The Special Rapporteur submitted to the Subcommission at its fortieth session a report containing comments and suggestions on the draft declaration (E/CN.4/Sub.2/1988/20) and a revised version of the draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1).

178. At its forty-first session, in its resolution 1989/22, the Subcommission invited Mr. Louis Joinet to prepare a working paper on means in the area of monitoring by which the Subcommission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers.

179. At its forty-second session, the Subcommission considered the working paper prepared by Mr. Joinet (E/CN.4/Sub.2/1990/35) and decided, in its resolution 1990/23, to entrust him with the preparation of a report.

180. In its resolution 1991/35, the Subcommission, at its forty-third session, taking note of the report prepared by Mr. Joinet (E/CN.4/Sub.2/1991/30 and Add.1-4), decided to entrust him with the preparation of a report to bring to the attention of the Subcommission information on practices and measures which had served to strengthen or to weaken the independence of the judiciary and the legal profession in accordance with United Nations standards.

181. In its resolution 1992/38, the Subcommission, at its forty-fourth session, took note of the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1992/25 and Add.1) and decided to entrust him with the preparation of a further report.

182. At its forty-fifth session, the Subcommission, in its resolution 1993/39, recommended that the Commission on Human Rights create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officials, and the nature of potential threats to this independence and impartiality.

183. At its fiftieth session, the Commission, in its resolution 1994/41, endorsed the recommendation of the Subcommission and requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur whose mandate would consist of the following tasks:

(a) To inquire into any substantial allegations transmitted to him or her and report his or her conclusions thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations including the provision of advisory services or technical assistance when requested by the State concerned;

(c) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers.

In the same resolution, the Commission also requested the Special Rapporteur, starting with its fifty-first session, to submit a report.

184. Subsequently, the Chairman of the Commission appointed Mr. Param Cumaraswamy (Malaysia) as Special Rapporteur.

185. At its forty-sixth session, the Subcommission, by its decision 1994/101, decided to change agenda item 11, entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" to sub-item 10 (e) with the same title.

186. At its fifty-first session, the Commission on Human Rights, in its resolution 1995/36, welcomed the first report submitted by the Special Rapporteur (E/CN.4/1995/39) and requested him to submit a report on the activities relating to his mandate to the Commission at its fifty-second session.

Item 11. The implementation of the human rights of women

187. At its thirty-seventh session, the Subcommission decided to include in its agenda a sub-item on the prevention of discrimination and protection of women.

188. In its resolution 1987/26, the Subcommission requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

189. At its forty-fourth session, the Subcommission, in resolution 1992/4, reaffirmed that women's rights were recognized as inalienable human rights and that they should be treated as such in all United Nations bodies, including the Commission on Human Rights. The Subcommission recommended that information on the equality and empowerment of women, and their access to equality in education, work, health and literacy, be included in States' reports to all human rights monitoring bodies and not only to the Committee on the Elimination of Discrimination against Women.

190. At its forty-ninth session, the Commission adopted resolution 1993/46, entitled "Integrating the rights of women into human rights mechanisms of the United Nations", in which the Commission, inter alia, requested all special

rapporteurs and working groups of the Commission and the Subcommission, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations affecting women.

191. At its fiftieth session, the Commission adopted resolution 1994/45, in which it decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who would report to the Commission on an annual basis beginning at its fifty-first session. Subsequently, the Chairman of the Commission appointed Ms. Radhika Coomaraswamy (Sri Lanka) as Special Rapporteur.

192. At its fifty-first session, the Commission had before it the preliminary report of the Special Rapporteur (E/CN.4/1995/42).

193. At its forty-sixth session, in decision 1994/101, the Subcommission decided to delete from its agenda the sub-item entitled "Prevention of discrimination and protection of women" and to insert a new agenda item, entitled "Prevention of discrimination against women". Subsequently, in its resolution 1994/43, the Subcommission decided to replace the title of the item by "The implementation of the human rights of women".

194. In the same resolution, the Subcommission requested the Secretary-General to obtain the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the question whether it would be desirable to have an advisory opinion on the value and legal effect of reservations concerning the Convention on the Elimination of All Forms of Discrimination against Women, and to invite those bodies to formulate, in their replies, any other observations on the question of reservations to that Convention they considered appropriate.

195. In the same resolution, the Subcommission also requested the Secretary-General to report to the Subcommission at its forty-seventh session on the steps taken since the World Conference on Human Rights by special rapporteurs, experts, working groups, treaty bodies and other mechanisms of the Commission and the Subcommission to implement the integration of women's human rights into the United Nations system.

196. At the present session, the Subcommission will have before it a report by the Secretary-General (E/CN.4/Sub.2/1995/22).

197. In discussing this item, the Subcommission may also wish to take into account the following resolutions and decisions adopted by the General Assembly at its forty-ninth session and by the Commission on Human Rights at its fifty-first session:

<u>General Assembly</u>

49/160	Proposed merger of the International Research and Training Institute for the Advancement of Women and the United Nations Development Fund for Women
49/161	Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women

49/162 Integration of older women in development

49/164 Convention on the Elimination of All Forms of Discrimination against Women

49/165 Violence against women migrant workers

49/166 Traffic in women and girls

49/167 Improvement of the status of women in the Secretariat

Decisions

49/448 Consideration of the request for the revision of article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women

49/449 Documents considered by the General Assembly in connection with the question of the advancement of women

Commission on Human Rights

1995/20 Violence against women migrant workers

1995/25 Traffic in women and girls

1995/80 Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Item 12. Human rights and scientific and technological developments

198. Pursuant to resolution XI of the International Conference on Human Rights, adopted on 12 May 1968, the relationship between human rights, and scientific and technological developments has been examined at various sessions of the General Assembly, the Commission on Human Rights and the Subcommission.

199. The General Assembly, at its forty-fourth session, in its resolution 44/133 invited the Commission on Human Rights to assist the Subcommission in preparing the study on the use of the achievements of scientific and technological progress to ensure the right to work and development requested by the Commission in its resolutions 1982/4 of 19 February 1982, 1984/29 of 12 March 1984, 1986/11 of 10 March 1986, 1988/61 of 9 March 1988 and 1990/39 of 6 March 1990.

200. The Subcommission, at its forty-fourth session, adopted decision 1992/104, in which it decided to consider under this item at its forty-sixth session the possibility of elaborating new human rights standards relating to scientific developments which could affect the mental condition or the genetic structure of human beings.

201. At its forty-sixth session, the Subcommission, by its decision 1994/108, decided to postpone the consideration of the item until its forty-seventh session.

202. The Commission on Human Rights, at its fifty-first session, in its resolution 1995/82, took note with satisfaction of the report of the Secretary-General on human rights and bioethics (E/CN.4/1995/74). In the same resolution the Commission requested the Subcommission, under the agenda item "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and to make recommendations to that effect.

203. At the present session, the Subcommission will have before it a note by the Secretary-General (E/CN.4/Sub.2/1995/23) transmitting his report on human rights and bioethics, referred to above.

Item 13. Elimination of all forms of intolerance and discrimination based on religion and belief

204. In its resolution 1985/34, the Subcommission decided that, starting at its thirty-ninth session, the present agenda item would be considered on a biennial basis.

205. At its forty-fifth session the Subcommission, in its resolution 1993/2, having taken into account the successive reports of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1989/44, E/CN.4/1990/46 and E/CN.4/1991/56), the report of its own Special Rapporteur, Ms. Elizabeth Odio Benito (E/CN.4/Sub.2/1987/26) and the working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32), reaffirmed its willingness to make a further contribution to activities which might be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief.

206. The attention of the Sub-Commission is drawn to Commission on Human Rights resolution 1995/23, in which the Commission expressed its thanks to the Special Rapporteur of the Commission on the question of religious intolerance and took note of his report (E/CN.4/1995/91).

Item 14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

207. By its decision 4 (XXXIV) of 10 September 1981, the Subcommission decided to include in the provisional agenda of its thirty-fifth session a new item, entitled "The effects of gross violations of human rights on international peace and security". At its thirty-seventh session, the Subcommission decided, in its resolution 1984/30, to consider the item as a sub-item, entitled "Gross violations of human rights and international peace".

208. At its thirty-eighth session, the Subcommission, in its resolution 1985/1, decided that this item of its agenda should be expressed as follows: "International peace and security as an essential condition for

the enjoyment of human rights, above all the right to life". In its resolution 1985/34, the Subcommission decided that the item would be considered on a biennial basis, starting from its thirty-ninth session.

209. At its forty-first session, the Subcommission, in its resolution 1989/47, invited Mr. Murlidhar Bhandare to prepare a working paper on the interrelationship between international peace and the effective materialization of all human rights, particularly of the rights to life and to development.

210. At its forty-third session, the Subcommission had before it the working paper of Mr. Bhandare (E/CN.4/Sub.2/1991/32 and Corr.1). By its decision 1991/106, the Subcommission decided to suspend the debate on the agenda item and to include the item in the provisional agenda of its forty-fourth session.

211. At its forty-fourth session, the Subcommission, by its resolution 1992/7, requested Mr. Bhandare to supplement his working paper and to present a further document to the Subcommission at its forty-sixth session.

212. At its forty-sixth session, the Subcommission, by its decision 1994/107, decided to postpone consideration of this item until its forty-seventh session.

213. At the present session, the Subcommission will have before it the supplementary working paper prepared by Mr. Bhandare (E/CN.4/Sub.2/1994/29).

Item 15. Discrimination against indigenous peoples

Working Group on Indigenous Populations

214. In its resolution 1982/34, the Economic and Social Council authorized the Subcommission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Subcommission, bearing in mind the report of the Special Rapporteur of the Subcommission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

215. The Working Group on Indigenous Populations held 12 sessions prior to 1994. It submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and Add.1, E/CN.4/Sub.2/1987/22 and Add.2, E/CN.4/Sub.2/1988/24 and Add.1, E/CN.4/Sub.2/1989/36, E/CN.4/Sub.2/1990/42, E/CN.4/Sub.2/1991/40 and Rev.1,

E/CN.4/Sub.2/1992/33, E/CN.4/Sub.2/1993/29 and Add.1-2, E/CN.4/Sub.2/1994/30) to the Subcommission. These reports were also made available to the Commission.

216. At the present session, the Subcommission will have before it the report of the Working Group on its thirteenth session (E/CN.4/Sub.2/1995/24).

Draft United Nations declaration on the rights of indigenous peoples

217. In its resolution 1994/45, the Subcommission decided to adopt the draft United Nations declaration on the rights of indigenous peoples agreed upon by members of the Working Group as contained in the annex to the resolution and submit it to the Commission on Human Rights at its fifty-first session with the request that it consider the draft as expeditiously as possible. The Subcommission also decided to request the Secretary-General to transmit the text of the draft declaration to indigenous peoples and organizations and to include in the note of transmittal the information that the draft declaration was to be transmitted to the Commission.

218. In its resolution 1994/45, the Subcommission recommended that the Commission on Human Rights and the Economic and Social Council take effective measures to ensure that representatives of indigenous peoples were able to participate in the consideration of the draft declaration by those two bodies, regardless of their consultative status with the Economic and Social Council.

219. In its resolution 1995/32, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission with the sole purpose of elaborating a draft declaration, considering the draft as contained in the annex to Subcommission resolution 1994/45. The Commission also decided to recommend to the Economic and Social Council a procedure for participation by organizations of indigenous peoples not in consultative status with the Economic and Social Council. Organizations of indigenous people not in consultative status with the Economic and Social Council which are interested in participating in the working group may apply to the Coordinator of the International Decade of the World's Indigenous People. Upon receipt of applications the Coordinator should consult with any State concerned, and forward all applications to the Council Committee on Non-Governmental Organizations for its decision (resolution 1994/45, annex).

Cultural and intellectual property of indigenous peoples

220. At its forty-second session, the Subcommission, in resolution 1990/25, entrusted Ms. Erica-Irene A. Daes with the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples for submission to the Working Group on Indigenous Populations at its ninth session, and requested all organs and organizations of the United Nations system with relevant expertise to provide Ms. Daes with the information and assistance she might require for the completion of that task.

221. At its forty-third session, the Subcommission had before it the working paper prepared by Ms. Daes (E/CN.4/Sub.2/1991/34). In its resolution 1991/32, the Subcommission decided to entrust Ms. Daes with the further task of

preparing, for submission at its forty-fifth session in 1993, a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples. By Commission decision 1992/114 and Economic and Social Council decision 1992/256, Ms. Daes was appointed Special Rapporteur to prepare a study on this issue.

222. At its forty-fourth session, the Subcommission, in resolution 1992/35, requested the Special Rapporteur to include in her study, inter alia, a comprehensive analysis of the laws and traditions of indigenous peoples with respect to the definition, ownership and control of cultural property, and preliminary views on the feasibility of developing a United Nations manual of indigenous laws in that field. The Subcommission recommended that the Special Rapporteur also include a consideration of the relationship between indigenous cultural and intellectual property, as well as recommendations for further research and action on intellectual property, and that the title of the study should be revised to "Protection of the cultural and intellectual property of indigenous peoples".

223. At its forty-fifth session, the Subcommission had before it the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1993/28). In its resolution 1993/44, the Subcommission endorsed the conclusions and recommendations contained in the report, and requested the Special Rapporteur to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of indigenous peoples and to submit a report to the Subcommission.

224. By its decision 1994/274 of 25 July 1994, the Economic and Social Council, noting Commission on Human Rights decision 1994/105 of 4 March 1994, authorized the Special Rapporteur to update and expand the study with a view to elaborating draft principles and guidelines on the protection of the heritage of indigenous people, and approved the new title of the study: "Protection of the heritage of indigenous people".

225. At its forty-sixth session, the Subcommission had before it the preliminary report (E/CN.4/Sub.2/1994/31), as well as proposed principles and guidelines prepared by the Special Rapporteur, annexed to the report. In its resolution 1994/48, the Subcommission requested the Secretary-General to submit the principles and guidelines to indigenous peoples' organizations, nations and communities, Governments, specialized agencies and intergovernmental and non-governmental organizations concerned for their comments. The Subcommission requested the Special Rapporteur to prepare her final report on the basis, inter alia, of the comments and information received and to submit it to the Subcommission at its forty-seventh session.

226. At the present session, the Subcommission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/26).

Study on the significance of treaties, agreements and other constructive arrangements

227. In its resolution 1987/17, the Subcommission recommended the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur with the mandate of preparing a study on the treaties concluded between indigenous peoples and

States in all parts of the world with regard to the contemporary significance of such treaties for all parties concerned. In the same resolution, the Subcommission requested Mr. Alfonso Martínez to prepare a document analysing the general outline of such a study and the juridical, bibliographical and other information sources on which such a study should be based, and to submit the document to the Subcommission for consideration at its fortieth session.

228. In accordance with a recommendation made by the Commission in its resolution 1988/56, the Economic and Social Council, in decision 1988/134, authorized the appointment of Mr. Alfonso Martínez as Special Rapporteur of the Subcommission with the mandate of preparing an outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Furthermore, the Special Rapporteur was requested to give particular attention to certain guidelines promulgated in the Council resolution and to submit the outline to the Subcommission for consideration by the Working Group on Indigenous Populations at its sixth session.

229. In its resolution 1988/20, the Subcommission endorsed the outline of the study prepared by the Special Rapporteur. The Economic and Social Council, on the basis of recommendations by the Subcommission (resolution 1988/20) and the Commission (resolution 1989/4), adopted resolution 1989/77, in which it confirmed the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Subcommission authorized to carry out the study, and requested the Special Rapporteur to submit a progress report to the Subcommission at its forty-first session.

230. At its forty-second session, in resolution 1990/28, the Subcommission requested the Special Rapporteur to submit a preliminary report on his study to the Working Group and the Subcommission. The preliminary report (E/CN.4/Sub.2/1991/33) was submitted to the Subcommission at its forty-third session.

231. At its forty-fourth session, the Subcommission had before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1992/32). By its decision 1992/110, the Subcommission requested the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Subcommission at its forty-sixth session. This decision was endorsed by the Commission in its decision 1993/105.

232. At its forty-sixth session, the Subcommission, in its decision 1994/116 decided to recommend to the Special Rapporteur to submit the second progress report to the Working Group on Indigenous Populations at its thirteenth session and to the Subcommission at its forty-seventh session.

233. At the present session, the Subcommission will have before it the second progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/27).

International Decade of the World's Indigenous People

234. The General Assembly, at its forty-eighth session, in resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994, with the period 1 January to 9 December 1994 to be set aside for planning for the Decade in partnership with indigenous people. The General Assembly also requested the Commission on Human Rights, at its fiftieth session, to invite the Working Group on Indigenous Populations to identify a date every year that might be observed as the International Day of Indigenous People; in the same resolution the Working Group was requested to identify possible programmes and projects in connection with the Decade and to submit them through the Subcommission to the Commission on Human Rights for its consideration.

235. The Commission on Human Rights, at its fiftieth session, in its resolution 1994/26 of 4 March 1994, reiterated the recommendations and requests made in General Assembly resolution 48/163. At its forty-sixth session, the Subcommission, in its resolution 1994/47, decided to recommend that the International Day of Indigenous People be observed every year on 9 August. It also recommended that a second technical meeting on the International Decade be convened prior to the thirteenth session of the Working Group on Indigenous Populations to consider the final programme of action for the Decade and that its suggestions be referred to the Working Group for elaboration.

236. The General Assembly, in its resolution 49/214 of 23 December 1994, adopted a short-term programme of activities for 1995 and invited the Commission on Human Rights to consider it with a view to adjusting or supplementing it if required. The Assembly also decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. The Commission on Human Rights, in its resolution 1995/28, decided that the final programme of activities for 1995 should be that contained in the annex to that resolution. The suggestions of the Working Group on Indigenous Populations relating to the programme of the Decade are contained in its report (E/CN.4/Sub.2/1995/24).

Permanent forum for indigenous people

237. In its resolution 48/163, the General Assembly requested the Commission on Human Rights at its fiftieth session to give priority consideration to the establishment of a permanent forum for indigenous people in the United Nations system. In its resolution 1994/28 of 4 March 1994, the Commission requested the Working Group on Indigenous Populations to consider the question and submit its suggestions, through the Subcommission, to the Commission at its fifty-first session.

238. At its forty-sixth session, the Subcommission, in its resolution 1994/50, recommended that the Centre for Human Rights organize a workshop on a possible permanent forum with the participation of representatives of Governments, indigenous organizations and independent experts. The Commission on Human Rights, in its resolution 1995/30, endorsed the recommendation to hold a workshop on a possible permanent forum for indigenous people and recommended that the outcome of the workshop be transmitted to the Working Group on

Indigenous Populations at its thirteenth session. The suggestions of the Working Group relating to the permanent forum are contained in its report (E/CN.4/Sub.2/1995/24).

United Nations Voluntary Fund for Indigenous Populations

239. As recommended by the Subcommission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its eighth session from 24 to 28 April 1995.

Relocation of Navajo and Hopi families

240. At its forty-second session, in resolution 1990/34, the Subcommission requested its Chairman to convey copies of the resolution to the interested parties along with the assurances of the continuing interest of the Subcommission in an early and equitable resolution of the situation concerning their relocation. At its forty-fourth session, in resolution 1992/36, the Subcommission recommended that members of the Navajo Nation and Hopi Tribe participate in court-ordered mediation to seek a peaceful settlement of the situation and requested the mediator to submit all relevant information regarding the human rights aspects of the case in question and the outcome of the mediation to the Subcommission at its forty-fifth session.

241. At its forty-sixth session, in resolution 1994/44, the Subcommission recommended that members of the Navajo Nation and Hopi Tribal Council participate in court-ordered mediation to seek a peaceful settlement of the situation. It also requested the Secretary-General to invite indigenous peoples' organizations, Governments and non-governmental organizations to submit information concerning progress made in that regard. At the present session, the Subcommission will have before it a note by the Secretary-General on this issue (E/CN.4/Sub.2/1995/25).

Item 16. Contemporary forms of slavery

Activities of the Working Group on Contemporary Forms of Slavery

242. In its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Subcommission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

243. Basing itself on a recommendation submitted by the Subcommission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI)

of 17 May 1974, authorized the Subcommission to establish a working group composed of five of its members to meet prior to each session of the Subcommission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Subcommission established the Working Group on Slavery in its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Subcommission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

244. At each session, the Working Group reviews information received on the status and the implementation of conventions on slavery and slavery-like practices, reviews developments in other fields of contemporary forms of slavery and considers the recommendations adopted at previous sessions. In its resolution 1989/41, the Subcommission decided to consider those matters in subsequent sessions under the agenda item "Contemporary forms of slavery".

245. At its forty-sixth session, the Subcommission adopted resolutions 1994/5 and 1994/7 concerning the Working Group on Contemporary Forms of Slavery. In its resolution 1994/7, the Subcommission recommended that the Commission on Human Rights authorize the Working Group to cooperate with the Governments concerned in the review and evaluation of ways and means to eradicate slavery in all its forms and to request contributions to the work of the Working Group from experts of the United Nations Children's Fund, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the International Criminal Police Organization; authorize the Subcommission to appoint the members of the Working Group for a period of three years; and examine this matter at regular intervals to verify the efficiency of the mechanism proposed.

246. The Commission, at its fifty-first session, in resolution 1995/27, endorsed the Subcommission's recommendations regarding the review of the implementation of the conventions on slavery with the proviso that the proposed three-year term of office of the members of the Working Group should not extend beyond their four-year term of membership of the Subcommission.

247. At the present session, the Subcommission will have before it the report of the Working Group on Contemporary Forms of Slavery on its twentieth session (E/CN.4/Sub.2/1995/28), which was held from 19 to 28 April 1995.

Sale of children, child prostitution and child pornography

248. In its resolution 1992/74, the Commission, at its forty-eighth session, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography submitted by the Subcommission. The Commission requested all States to inform periodically the Subcommission of measures adopted to implement the Programme of Action and on the efficacy of

such measures, and requested the Subcommission to submit every two years a report to the Commission on the state of implementation of the Programme of Action by all States.

249. At its forty-sixth session, the Subcommission, in its resolution 1994/5, requested the Secretary-General to invite States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to submit a report thereon to the Subcommission at its fifty-second session.

250. At the present session, the Subcommission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1995/29).

Exploitation of child labour and debt bondage

251. At its forty-ninth session, the Commission, in resolution 1993/79, adopted the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Subcommission and requested all States periodically to report to the Subcommission on measures adopted to implement the Programme of Action and on the effectiveness of such measures. The Subcommission was requested to submit to the Commission every two years a progress report on the implementation of the Programme of Action by all States. The Commission decided to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

252. By its decision 1993/112, the Commission authorized the Subcommission to consider the possibility of appointing a special rapporteur to update the report of the Special Rapporteur on the exploitation of child labour, Mr. Abdelwahab Bouhdiba (E/CN.4/Sub.2/479), submitted to the Subcommission at its thirty-fourth session, and to extend that study to the problem of debt bondage.

253. At its forty-sixth session, the Subcommission, in its resolution 1994/5, recommended that the Commission at its fifty-first session endorse the recommendation to appoint Mrs. H.E. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage.

254. At its fifty-first session, the Commission on Human Rights in its resolution 1995/27, requested the Subcommission to give further consideration to its proposed appointment of Mrs. H.E. Warzazi as Special Rapporteur and to make the appointment subject to the submission of a preparatory document.

Slavery and slave-like practices during wartime

255. At its forty-sixth session, in its decision 1994/109, the Subcommission decided to invite Ms. Linda Chavez to submit a working paper on the situation of systematic rape, sexual slavery and slave-like practices during wartime, including internal conflict, to the Subcommission at its forty-seventh session.

256. At the present session the Subcommission will have before it the working paper prepared by Ms. Chavez (E/CN.4/Sub.2/1995/38).

Prevention of traffic in persons and the exploitation of the prostitution of others

257. At its forty-eighth session, the Commission on Human Rights, in its resolution 1992/36, endorsed the views expressed by the Subcommission in its resolution 1991/37 on it being desirable to launch concerted action to combat traffic in persons and the exploitation of the prostitution of others and decided to transmit the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, drawn up by the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1991/41, annex I), to Governments, specialized agencies and intergovernmental and non-governmental organizations for their comments. The Commission also decided to examine, at its forty-ninth session, the draft programme of action and the report of the Secretary-General containing a summary of the comments received.

258. At its forty-ninth and fiftieth sessions, the Commission had before it the report of the Secretary-General (E/CN.4/Sub.2/1993/58 and Add.1 and E/CN.4/Sub.2/1994/71 and Add.1) containing a summary of the comments received. No action was taken by the Commission at its forty-ninth and fiftieth sessions with regard to the draft programme of action and the comments contained in the above-mentioned reports.

259. In its resolution 1994/5, the Subcommission recommended that the Commission on Human Rights take into consideration at its fifty-first session and eventually adopt the draft programme of action.

260. The Commission on Human Rights, in its resolution 1995/27, requested the Subcommission at its forty-seventh session to review the draft programme of action in the light of comments already received or that would be received and to submit to the Commission at its fifty-second session a final draft for approval.

261. At the present session, the Subcommission will have before it the draft programme of action on the prevention of traffic in persons and exploitation of the prostitution of others, as revised by the Working Group on Contemporary Forms of Slavery at its twentieth session (E/CN.4/Sub.2/1995/28/Add.1)

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

262. In its resolution 46/122 of 17 December 1991, the General Assembly, at its forty-sixth session, decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of

human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairman of the Subcommission and with due regard to equitable geographical distribution.

263. With regard to the issues under this item, the Subcommission may also wish to note the following resolutions adopted by the Commission at its fifty-session:

1995/27 Contemporary forms of slavery

1995/78 Question of a draft optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, as well as the basic measures needed for their prevention and eradication.

1995/79 Rights of the child

264. The attention of the Subcommission is also drawn to the following resolutions adopted by the General Assembly at its forty-ninth session:

49/166 Traffic in women and girls

49/209 Protection of children affected by armed conflicts

49/210 Need to adopt efficient international measures for the prevention and eradication of the sale of children, child prostitution and child pornography

49/212 The plight of street children.

Item 17. Promotion, protection and restoration of human rights at national, regional and international levels

Sub-item (a) Prevention of discrimination and protection of children: human rights and youth

265. At its thirty-seventh session, the Subcommission decided to include in its provisional agenda for the thirty-eighth session a sub-item entitled "Prevention of discrimination and protection of children".

266. At its forty-sixth session, the Subcommission, in its resolution 1994/9, urged all the relevant human rights treaty monitoring bodies, the United Nations Children's Fund, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the International Criminal Police Organization, Governments, and other intergovernmental and non-governmental organizations to give particular attention in their work to the grave situation of children deprived of their liberty and to the implementation of provisions and standards designed to ensure their protection.

267. In paragraph 3 of resolution 1994/9, the Subcommission requested the Secretary-General to submit to the Subcommission at its forty-seventh session a note on the situation of children deprived of their liberty under the agenda sub-item entitled "Prevention of discrimination and protection of children: human rights and youth".

268. In accordance with this request, the Subcommission at its present session will have before it a note by the Secretary-General on the situation of children deprived of their liberty (E/CN.4/Sub.2/1995/30).

Sub-item (b) Human rights and disability

269. In its resolution 1984/20, the Subcommission decided to inscribe on the agenda of its thirty-eighth session an item entitled "Human rights and disability". In the same resolution, the Subcommission decided to appoint Mr. Leandro Despouy as Special Rapporteur to undertake the comprehensive study requested by the Economic and Social Council in its resolution 1984/26.

270. At its forty-third session, the Subcommission considered and approved the final report of the Special Rapporteur (E/CN.4/Sub.2/1991/31). The Subcommission adopted resolution 1991/19, in which, having expressed its satisfaction at the recommendations and proposals submitted to the Subcommission by the Special Rapporteur with a view to encouraging States and intergovernmental organizations to undertake concrete measures to guarantee to the disabled the full enjoyment of their human rights, it welcomed the recommendations contained in his final report, in particular those relating to the implementation of the human rights of disabled persons.

271. The Commission, in its resolution 1992/48, invited human rights treaty-monitoring bodies, notably the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons. In its resolutions 1993/29, 1994/27 and 1995/58, the Commission reiterated that invitation.

272. In its resolution 1992/48, the Commission requested the Secretary-General to issue the final report of the Special Rapporteur as a United Nations publication in all official languages. The final report was published as No. 6 in the Study Series, under the title Human Rights and Disabled Persons (E.92.XIV.4).

273. With respect to the present item, the attention of the Subcommission is also drawn to General Assembly resolution 48/96 of 20 December 1993, in which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and decided to appoint, within the framework of the Commission for Social Development, a special rapporteur to monitor their implementation (Part IV, para. 2).

274. In addition, the Vienna Declaration and Programme of Action made specific reference to the rights of disabled persons (Part I, para. 22 and Part II B, sect. 6).

275. The Subcommission, at its forty-sixth session, in its resolution 1994/10, requested the Secretary-General to report in 1995 to the Subcommission regarding coordination endeavours which affect disabled persons, with emphasis on activities of the other United Nations organizations and bodies that deal with alleged violations of the legal obligations of States under the International Bill of Human Rights and United Nations treaties that protect disabled persons.

276. At the present session, the Subcommission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1995/31).

Item 18. Protection of minorities

277. The Subcommission, at its fortieth session, in resolution 1988/36, invited Ms. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities.

278. At its forty-first session, the Subcommission, in resolution 1989/44, having examined the working paper (E/CN.4/Sub.2/1989/43) prepared by Ms. Palley, decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in the protection of minorities, and decided to consider those issues at its forty-second and future sessions under a separate agenda item. By decision 1990/105, the Commission on Human Rights endorsed the decision of the Subcommission to entrust Mr. Eide with the task of preparing a study.

279. At its forty-fifth session, having considered the final report submitted by Mr. Eide (E/CN.4/Sub.2/1993/34 and Add.1-4), the Subcommission, in its resolution 1993/43, entrusted Mr. Eide with the task of preparing a working paper containing suggestions for a programme for the prevention of discrimination and protection of minorities.

280. At its forty-sixth session, having examined the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1994/36 and Corr.1), as well as the final report, submitted in 1993, the Subcommission, in its resolution 1994/4, requested the Secretary-General to invite Governments and competent intergovernmental and non-governmental bodies to submit their comments on the recommendations contained in addendum 4 to the final report and to make the comments available at the forty-seventh session of the Subcommission.

281. The Subcommission also recommended that the Commission on Human Rights request the Economic and Social Council to authorize the establishment of an inter-sessional working group of the Subcommission to examine, inter alia, peaceful and constructive solutions to situations involving minorities.

282. By its decision 1994/115 of 26 August 1994, the Subcommission decided that on condition that the Commission on Human Rights and the Economic and Social Council authorized the establishment of the working group envisaged in Subcommission resolution 1994/4 and provided for its budget for 1995, the pre-sessional working group would meet for five working days immediately prior to the forty-seventh session of the Subcommission in 1995. The Subcommission

approved the following composition of the pre-sessional working group: Mr. Bengoa (Latin America), Mr. Eide (Western Europe), Mr. Khalil (Africa), Mr. Khan (Asia) and Mr. Chernichenko (Eastern Europe).

283. The Commission, in its resolution 1995/24, decided to authorize the Subcommission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular to:

(a) Review the promotion and practical realization of the Declaration;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

284. The meeting of this working group has been rescheduled to take place immediately after the session of the Subcommission, from 28 August to 1 September 1995.

285. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the General Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Subcommission, to give due regard to the Declaration within their mandates, and requested the Secretary-General to consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon.

286. In accordance with its resolution 1994/4, the Subcommission at its present session will have before it the report of the Secretary-General (E/CN.4/Sub.2/1995/33).

287. The Subcommission will also have before it, pursuant to its decision 1994/113, a working paper on the concept and issues relating to "enclaved groups", prepared by Mr. Asbjørn Eide (E/CN.4/Sub.2/1995/34).

Item 19. Freedom of movement

288. At its fortieth session, in resolution 1988/39, the Subcommission, having noted the report (E/CN.4/Sub.2/1988/35 and Add.1) on the right of everyone to leave any country, including his own, and to return to his country, prepared by Mr. C.L.C. Mubanga-Chipoya, and the draft declaration on this subject contained in annex I to the report, decided to consider this issue as a separate item of its agenda at its forty-first session.

289. At its forty-third session, the Subcommission had before it the revised version of the draft declaration (E/CN.4/Sub.2/1991/44) and the report of the sessional Working Group (E/CN.4/Sub.2/1991/45). By its decision 1991/114, the Subcommission decided to transmit to the Commission the report of the 1991 session of the Working Group, inviting the Commission to provide comments and guidance on the issues mentioned in the report.

290. No action was taken by the Commission at its forty-eighth session.

291. At its forty-fourth session, the Subcommission, by its decision 1992/112, decided to include in the provisional agenda of its forty-fifth session an item provisionally entitled "Freedom of movement".

Sub-item (a) Situation of migrant workers and members of their families

292. At its forty-fifth session, the Subcommission, in its resolution 1993/21, decided to include the situation of migrant workers and members of their families on the agenda of its forty-sixth session, as a sub-item of the item on freedom of movement.

293. The Subcommission may wish to note the following resolutions adopted by the General Assembly at its forty-ninth session, and by the Commission on Human Rights, at its fifty-first session.

General Assembly

49/175 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Commission on Human Rights

1995/20 Violence against women migrant workers

1995/21 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Sub-item (b) Population displacements

294. At its forty-sixth session, the Subcommission by its resolution 1994/24 decided to include, under the agenda item "Freedom of movement", a sub-item relating to questions of displacement entitled "Population displacement".

Human rights and population transfer

295. In its resolution 1990/17, the Subcommission decided to consider the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements, at its future sessions under the agenda item "The realization of economic, social and cultural rights".

296. In its resolution 1991/28, the Subcommission, at its forty-third session, recognized that population transfer affected the basic human rights and freedoms of the peoples concerned, including the original inhabitants, the

people removed and the settlers, and decided to include the question of the human rights dimensions of population transfers, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter, taking into account the working paper submitted by Mrs. Christy Ezim Mbonu (E/CN.4/Sub.2/1991/47) and such other relevant materials as might be provided to the Secretary-General by non-governmental organizations or in the reports of other United Nations bodies.

297. At its forty-fourth session, in resolution 1992/28, the Subcommission entrusted Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements.

298. At its forty-fifth session the Subcommission, in resolution 1993/34, endorsed the conclusions and recommendations of the preliminary report (E/CN.4/Sub.2/1993/17 and Corr.1). It expressed its regret that Mr. Hatano was unable to be further involved in the work on this subject as one of the Special Rapporteurs and requested Mr. Al-Khasawneh, as Special Rapporteur, to continue the study and to submit a progress report to the Subcommission at its forty-sixth session.

299. At its forty-sixth session, the Subcommission in resolution 1994/42 decided to consider the final report of the Special Rapporteur at its forty-seventh session under the agenda item entitled "Freedom of movement".

300. At the present session, the Subcommission will have before it a note by the Secretary-General on the final report of the Special Rapporteur on human rights and population transfer (E/CN.4/Sub.2/1995/35).

Item 20. Implications of humanitarian activities for the enjoyment of human rights

301. At its forty-fifth session the Subcommission decided, by its decision 1993/102, to include on its agenda a new item, entitled "Implications of humanitarian activities for the enjoyment of human rights". At the same session the Subcommission decided, in its resolution 1993/38, to recommend that the Commission on Human Rights authorize the Subcommission to appoint Ms. Claire Palley as special rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need further to develop international cooperation in the humanitarian field and the promotion and protection of human rights. It also requested her to submit a preliminary report at its forty-sixth session, a progress report at its forty-seventh session and her final report, if possible, at its forty-eighth session.

302. At its forty-sixth session, the Subcommission, in its resolution 1994/25, expressed its appreciation to Ms. Palley for her preparatory document on the subject (E/CN.4/Sub.2/1994/39) and decided to recommend to the Commission on Human Rights the appointment of Ms. Palley as Special Rapporteur of the

Subcommission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights.

303. At its fifty-first session, the Commission, in its decision 1995/107, having due regard for the importance for all United Nations organs and bodies to consider the impact of their activities on human rights, but also having regard for the need for the Subcommission to avoid making judgements on issues within the responsibility of other United Nations bodies and to avoid overloading its agenda, decided not to forward to the Economic and Social Council the draft decision of the Subcommission authorizing a study on the question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion of human rights.

Item 21. Comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers

304. At its forty-sixth session, in its resolution 1994/4, the Subcommission decided that, beginning at its forty-seventh session, its agenda would include annually an item concerning a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

Item 22. Consideration of the future work of the Subcommission and of the draft provisional agenda for the forty-eighth session of the Subcommission

305. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

306. Pursuant to that request, the Secretary-General will submit to the Subcommission, towards the end of the forty-seventh session, a note containing a draft provisional agenda for the forty-eighth session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/1995/L.1).

Item 23. Adoption of the report on the forty-seventh session

307. Under rule 37 of the rules of procedure, the Subcommission is to report to the Commission on Human Rights on the work of its session. In this connection, the Subcommission may wish to take account of the revised guidelines for the format and contents of the report of functional commissions and standing committees of the Economic and Social Council (E/1979/94) approved by the Council in its resolution 1979/69. This resolution and the revised guidelines are available for consultation in the secretariat.

Annex

MEMBERS AND ALTERNATES OF THE SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Mr. Miguel Alfonso Martínez	(Cuba)
* Ms. Marianela Ferriol Echevarría	
Ms. Judith Sefi Attah	(Nigeria)
* Mrs. Christy Ezim Mbonu	
Mr. José Bengoa	(Chile)
Mr. Marc Bossuyt	(Belgium)
* Mr. Guy Genot	
Mr. Volodymyr Boutkevitch	(Ukraine)
* Mr. Olexandre Kouptchichine	
Ms. Linda Chavez	(United States of America)
Mr. Stanislav V. Chernichenko	(Russian Federation)
* Mr. Teimuraz O. Ramishvili	
Ms. Erica-Irene A. Daes	(Greece)
* Mrs. Kalliopi Koufa	
Mr. Asbjørn Eide	(Norway)
* Mr. Jan Helgesen	
Mr. Osman El-Hajjé	(Lebanon)
Mr. Fan Guoxiang	(China)
* Mr. Zhong Shukong	
Mrs. Clemencia Forero Ucros	(Colombia)
* Mr. Jorge Orlando Melo	
Mr. El Hadji Guissé	(Senegal)
* Mr. Ndary Toure	
Mrs. Lucy Gwanmesia	(Cameroon)
Mr. Muksum-Ul-Hakim	(Bangladesh)
* Mr. Tofazzal Hossain Khan	
Mr. Ribot Hatano	(Japan)
* Mr. Yozo Yokota	

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* Alternate

Mr. Louis Joinet	(France)
* Mr. Emmanuel Decaux	
Mr. Ahmad Khalifa	(Egypt)
* Mr. Ahmed Khalil	
Mr. Mohamed Sardar Ali Khan	(India)
Mr. Miguel Limón Rojas	(Mexico)
* Mr. Héctor Fix Zamudio	
Mr. José Augusto Lindgren Alves	(Brazil)
* Ms. Marília S. Zelner Gonçalves	
Mr. Ioan Maxim	(Romania)
* Mr. Petru Pavel Gavrilescu	
Ms. Claire Palley	(United Kingdom of Great Britain
* Mr. John Merrills	and Northern Ireland)
Mr. Said Naceur Ramadhane	(Tunisia)
* Mr. Abdelfattah Amor	
Ms. Halima Embarek Warzazi	(Morocco)
* Mr. Mohamed Benkaddour	
Mr. Fisseha Yimer	(Ethiopia)